

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LYNN HARRIS,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civil Action No. 06-786-***
	:	
THOMAS CARROLL, Warden and	:	
JOSEPH R. BIDEN, III, Attorney General	:	
for the State of Delaware,	:	
	:	
Respondents.	:	

ORDER

At Wilmington this 30th day of **May, 2007**.

Petitioner, on May 7, 2007, filed a motion for extension of time to file a reply to Respondents' answer to the petition. In the answer, respondents noted that the state record presently was not available. Under a separate motion, the court granted an extension of time in which to obtain and file those records.

Although Rule 5 of the Rules for § 2254 matters authorizes the filing of a reply within the time period established by the court, at this time, petitioner's request is premature since the state records have not been produced, and any review by the court would be limited by this fact. If a reply is eventually authorized by the court, petitioner will be advised of the time in which the reply will be due.

Petitioner also requests that the court enter a temporary restraining order against the MHU Law Library and certain individuals in its employ. This request is not part of a petition for habeas relief under the Rules governing such petitions. Further, the court has no jurisdiction to grant the request. Therefore,

IT IS ORDERED that petitioner's request for extension of time (D.I. 16) is presently denied as premature. After the filing of the state records, upon request by the petitioner, the court will determine whether a reply will be authorized and if allowed, the due date for its filing.

IT IS FURTHER ORDERED that petitioner's request for a temporary restraining order is denied for the reasons contained herein.



United States Magistrate Judge